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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,854	08/23/2001	Antonio Hinojosa	60990063-3	9408

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[REDACTED] EXAMINER

NGUYEN, ANTHONY H

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2854

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/935,854	HINOJOSA ET AL.
	Examiner Anthony H Nguyen	Art Unit 2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 5-11 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, there is no proper antecedent basis for “the contact force (Fz)” (claim 1 line 9 and claim 11 line 6).

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5,6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Astroth et al. (US 6,036,380).

With respect to claims 1 and 11, Astroth et al. teaches a device having a first component 10 and a second component 30 adjoining each other having different thermal coefficients of expansion, i.e., the first component can be made of metal and the second component are made of plastic. The components are fixed at positions 52 and 54 by the attachment means 45,46 as

shown in Figs.1 and 3. The first and second components are inherently moved relative to each other during operation because they have different thermal coefficients of expansion.

With respect to claims 2 and 3, Astroth et al. teaches a plurality of walls (no numeral reference) and the flexible limb elements having free ends (see the highlighted elements in the attached Fig.1) including means 56 for attachment to the second component.

With respect to claim 5, the first and second components are attached at each ends and a central location by the attachment means 45 (Fig.1).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8 and 9 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Astroth et al. (US 6,036,380).

With respect to claims 7 and 8, Astroth et al. teaches all that is claimed, except for the specific percent of the total amount of bowing in a direction perpendicular over the length of the components. However, the selection of a specific percent of the total amount of bowing in a direction perpendicular over the length of the components would have been obvious in the selection of a desired distance between the fixing means and the material of the components. Thus, the selection of a specific percent of the total amount of bowing in a direction

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perpendicular over the length of the components involves only an obvious matter of routine experimentation.

With respect to claim 9, Astroth et al. teaches that the second component which is made of metal is known (Astroth et al., col.1, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art to replace the second component of Astroth et al. with the component which is made of metal if the first component is made of plastics to obtain a strong, reinforced device.

Claim 10 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Astroth et al. (US 6,036,380) in view of Ito et al. (US 6,196,672).

Astroth et al. teaches all that is claimed, as discussed in above the rejection of claims 7,8 and 9, except for the first component which is a vacuum guide member of a printer. Ito et al. teaches a printer having a first component 26 and a second component 30 which is a vacuum guide member (Ito et al., Fig.6a). It would have been obvious to one of ordinary skill in the art to modify the component of Astroth et al. by substituting the vacuum guide element as taught by Ito et al. for ensuring optimal of feeding of a print medium in a printing device in place of the component 10 of Astroth et al.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:
The prior art of record does not teach the first limb element which extends inwardly from the first wall and the second limb element which extends inwardly from the second wall which is opposed to the first wall.

Response to Arguments

Applicants' arguments filed on July 2, 2003 have been fully considered but they are not persuasive of any error in the above rejections.

Applicant argues that Astroth et al. and Ito et al. fail to teach or suggest the first and second components that can move relative to each other independently from the contact force as recited in claims 1 and 11. Specifically, applicant argues that The components 10 and 30 of Astroth et al. do not move relative to one another due to differing coefficients of expansion because the components are fixedly attached at a plurality of spaced locations.

However, Astroth et al. teaches a device having components which are made of different materials which have different thermal coefficients of expansion. The components are fixed at spaced positions via the attachment means. As explained above, the first and second components of Astroth et al. are inherently moved relative to one another because first and second components are made of different materials since they have different thermal coefficients of expansion. While the components of Astroth et al. are fixedly attached to one another at many spaced locations, the components are moved relative to each other to at least some extent because of the different thermal coefficients of expansion of the components during operation. Also, applicant's argument is not persuasive since applicants' components are also fixedly attached to one another at a plurality of spaced locations. Therefore, Astroth et al. clearly meets

the structure as recited in claims 1-3,5,6 11 and renders obvious the structure as recited in claims 7-9.

Ito is cited to show the conventional use of the second component which is a vacuum guide member. Therefore, the combination of Astroth et al. and Ito et al. renders obvious the structure as recited in claim 10.

Conclusion

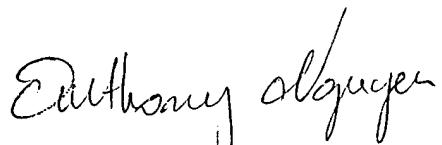
Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Nguyen

9/11/03

Patent Examiner

Technology Center 2800